



## Town Council Agenda Report

**SUBJECT:** Land Use Plan Amendment  
Application No.: LA(TXT)99-4B

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA APPROVING COMPREHENSIVE PLAN AMENDMENT LA(TXT)99-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES; AMENDING THE SCOPE OF SPECIAL RESIDENTIAL FACILITIES PROVIDED FOR IN THE TOWN; REPLACING THE TERM "SPECIAL RESIDENTIAL FACILITY" WITH THE TERM "SPECIAL RESIDENTIAL HOME"; AMENDING AND SIMPLIFYING PROVISIONS PERTAINING TO OCCUPANCY, LOCATION, ELIGIBLE RESIDENTS AND FACILITY TYPE; DELETING UNNECESSARY DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The proposed amendment is intended as a first step towards eliminating inconsistencies between the code and the plan, and to eliminate internal inconsistencies within the code. State law requires the code be consistent with the comprehensive plan, necessitating the proposed plan amendment as a precursor to the code amendment. The amendment does not commit the Town to the specific standards and regulations that a code amendment would. Staff has intentionally drafted language which is general enough to offer flexibility in drafting a future code amendment.

Specifically, the amendment accomplishes the following: (1) replaces the term "Special Residential Facility" with the term "Special Residential Home to better reflect the intent of state and federal law to categorize group homes as residences;" (2) replaces the three categories of intensity for Special Residential Facilities with two general categories; (3) eliminates the licensing requirement since the Federal Fair Housing Act requires that certain facilities be permitted which are not licensed by the state or federal governments; (4) eliminates provisions allowing facilities of any size to locate in any zoning district provided sufficient land is aggregated in order to meet density requirements, and also eliminates language permitting multiple buildings on a parcel.

**DISCUSSION:** The Special Residential Facilities regulations in the Town of Davie Land Development Code are internally inconsistent and also in conflict with Comprehensive Plan provisions. Additionally, the code regulations are difficult to interpret. In order to eliminate the inconsistencies, both the code and plan require amendment. The proposed amendment language eliminates many of the specific standards contained in the plan in favor of more general policy language, reflective of the fact that the comprehensive plan is a policy document intended only to provide a framework for specific land use regulations.

September is the last month during which the Town may transmit amendments to the Department of Community Affairs (DCA) with the expectation of a 1999 adoption. Should the Council transmit the proposed amendment to DCA at its September 1, 1999 meeting, the anticipated adoption date is December 15, 1999.

**CONCURRENCES:** The Planning and Zoning Division staff recommends the Council transmit the amendment to the Florida Department of Community Affairs as its September 1, 1999 meeting. September is the last month during which the Town may transmit amendments to DCA with the expectation of a 1999 adoption.

The Town Attorney's Office concurs with the proposed amendment.

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Local Planning Agency Recommendation: At its August 25, 1999 meeting, Mr. Pisula made a motion to recommend the Council transmit the proposed amendment to the Department of Community Affairs at its September 1, 1999 meeting, seconded by Mr. Davenport. The motion passed on a 5-0 vote.

**FISCAL IMPACT:** not applicable.

#### **RECOMMENDATION:**

Motion to transmit the amendment to the Department of Community Affairs with the intent to adopt the amendment within 60 days of receiving written comments from the Department.

**Attachment(s):** Planning report, ordinance and exhibits.

TOWN OF DAVIE  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

August 18, 1999

**SUBJECT:** Land Use Plan Amendment LA(TXT)99-4B

**APPLICANT:** Town of Davie

**REQUEST:** To amend the Special Residential Facilities provisions of the Comprehensive Plan

**EXHIBITS TO BE INCLUDED:** Land use plan amendment, planning report

**BACKGROUND:**

"Special Residential Facilities" is a general categorical reference in the Town Comprehensive Plan and Land Development Code that refers to alternative housing facilities. The purpose of this category is to provide housing to accommodate various disadvantaged segments of the population. These residential facilities range from small homes to large facilities.

The Town of Davie Land Development Code regulations are intended to implement the corresponding comprehensive plan provisions, however, there are conflicts between the code and the plan. Additionally, the code regulations are difficult to interpret and contain internal inconsistencies. In order to eliminate the inconsistencies, amendment of both the code and plan is required.

The Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II Florida Statutes, requires that land development regulations be consistent with the comprehensive plan. Therefore, the Town must amend the plan prior to amending the code. Since the Comprehensive Plan is a policy document, the proposed plan amendment establishes the policy framework necessary for the code to be amended, while eliminating specific standards more appropriately incorporated into the code.

**ANALYSIS:**

The Future Land Use Element categorizes Special Residential Facilities into three (3) intensities and types of use. Category (1) facilities permit up to 8 residents and are considered as a single-family dwelling unit for density purposes. Category (2) facilities permit nine (9) to sixteen (16) residents and are considered as two (2) dwelling units for density purposes. Facilities for more than sixteen (16) persons are among those classified as Category (3) facilities. Each two (2) sleeping rooms of a Category (3) facility are considered as one (1) dwelling unit for density purposes, with each sleeping room allowing two (2) occupants. Any type of facility may locate in a residential zoning district provided the facility acquires sufficient land to meet density requirements.

Staff is proposing five (5) notable amendments to the plan language. First, the term "Special Residential Facility" is replaced with the term "Special Residential Home" which better reflects the intent of state and federal laws to categorize group homes as residences and not institutions or businesses. It is the intent of state and federal law that Special Residential Facilities on the scale of group homes be assimilated into residential neighborhoods.

Second, the proposed amendment replaces the three (3) detailed categories of facilities with two (2) general intensity levels of Special Residential Homes. Special Residential Homes which house groups that operate as the functional equivalent of a family would be permitted in residential zoning districts. Special Residential Homes that are institutional in scale would be discouraged in low-density residential zoning districts in favor of community facility, commercial or medium- to- high-density multiple-family zoning

districts. Once the plan amendment is approved by the Department of Community Affairs (DCA), the corresponding code amendment will specify the zoning districts which permit each type of Special Residential Home, as well as allowable capacities and any other specific regulations.

Third, the amendment eliminates the licensing requirement, recognizing that the Town must allow persons with disabilities protected under the Federal Fair Housing Act to live in Special Residential Homes regardless of whether they are licensed by the Department of Children and Family Services or other agency. This is not to say that homes not licensed by the state are substandard, but rather, the state does not license every type of Special Residential Home.

Finally, the amendment eliminates language which permits facilities of any size to locate in any zoning district provided sufficient land is aggregated in order to meet density requirements, and also eliminates language permitting multiple buildings on a parcel of land. The issues of density, facility size and number of structures on a parcel can be addressed when amending the code.

**DISCUSSION:**

The plan is a policy document which may be more general in scope than code provisions. Removing some of the specific plan language allows the Town flexibility in developing a code amendment while DCA reviews the plan amendment. In the interim, the Town will establish a zoning in progress by virtue of transmitting the amendment to DCA. The zoning in progress will be effective until Council amends the Special Residential Facility provisions of the code, notwithstanding the six (6) month time limitation, set forth in Sec. 12-315(B) of the code, which is extendable by an additional six (6) month period.

Staff has requested an informal review by DCA and the Broward County Planning Council, and expects to receive feedback prior to transmittal. Should either agency have recommendations or objections to any part of the amendment, staff may recommend modifications accordingly.

**RECOMMENDATION:** Planning and Zoning Division staff recommends the Council transmit the amendment to the Florida Department of Community Affairs at its September 1, 1999 meeting. September is the last month during which the Town may transmit amendments to DCA with the expectation of a 1999 adoption.

**LOCAL PLANNING AGENCY:** Motion by Mr. Pisula, seconded by Mr. Davenport to recommend the Council transmit the proposed amendment to the Department of Community Affairs at its September 1, 1999 meeting (5-0, August 25, 1999).

Prepared by\_\_\_\_\_

Reviewed by\_\_\_\_\_

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA APPROVING COMPREHENSIVE PLAN AMENDMENT LA(TXT)99-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES; AMENDING THE SCOPE OF SPECIAL RESIDENTIAL FACILITIES PROVIDED FOR IN THE TOWN; REPLACING THE TERM "SPECIAL RESIDENTIAL FACILITY" WITH THE TERM "SPECIAL RESIDENTIAL HOME"; AMENDING AND SIMPLIFYING PROVISIONS PERTAINING TO OCCUPANCY, LOCATION, ELIGIBLE RESIDENTS AND FACILITY TYPE; DELETING UNNECESSARY DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Comprehensive Plan provides for Special Residential Facilities; and

WHEREAS, the Town Council wishes to amend various provisions governing Special Residential Facilities; and

WHEREAS, the Town of Davie Local Planning Agency held a public hearing on August 25, 1999, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes; and

WHEREAS, the Town Council of the Town of Davie held public hearings on September 1, 1999, and on the date of adoption of this Ordinance, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the Future Land Element of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "A," attached hereto, and made a part hereof.

SECTION 2. That the Housing Element of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "B," attached hereto, and made a part hereof.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this

Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999

## **Future Land Use Plan: Plan Implementation**

### **Permitted Uses and Densities in Future Land Use Plan Categories**

This section identifies those uses permitted in the categories shown on the Davie Future Land Use Plan map and contained within this Plan. Zoning as to permitted uses and densities shall be in compliance with the uses enumerated in this section and the Davie Future Land Use Plan map designations. It should be noted that the Town Land Development Regulations, including the zoning ordinance, may further restrict permitted uses. The permitted uses outlined in this section include the potential uses that may be permitted by the Town's zoning ordinance.

Areas designated on the Davie Future Land Use Plan map generally follow property ownership lines, geographic boundaries such as canals, and road rights-of-way. Zoning regulations may permit any or all of the uses enumerated within each category; however, all uses shall be in compliance with the permitted uses and densities of the applicable category. Uses may be permitted outright, or subject to special conditions or exceptions. All land use categories shall permit local roads, water and wastewater lines and electricity distribution lines designed to serve the individual development only.

### **RESIDENTIAL LAND USE CATEGORY**

The Residential land use category is primarily designed to accommodate dwellings, and may include such complementary uses supportive of and integral to dwellings.

The permitted uses of the Residential category include the following:

1. Dwelling units, subject to the density limits shown on the Davie Future Land Use Plan map for the particular parcel.
2. Home occupations and other uses accessory to a dwelling unit.
3. Hotels, motels, and similar lodging. The maximum number of hotel, motel or similar lodging units permitted on any parcel designated for Residential use is double the maximum number of dwelling units permitted by the Davie Future Land Use Plan map designation.
4. Parks, golf courses and other outdoor recreational facilities, and recreational, civic, or other cultural buildings ancillary to the primary outdoor recreational use of the site.
5. Community facilities designed to serve the residential area such as schools, day care centers, churches, clinics, ~~nursing homes~~, Special Residential Facilities, Homes rehabilitation centers, governmental administration, police and fire protection facilities, libraries, and civic centers.

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6. Public and private utilities, provided such use does not preclude or adversely affect the future use of the surrounding area for residential purposes. Permitted utilities shall not include power plants, power plant substations, and transmission facilities.
7. Communication facilities, provided such uses do not preclude or adversely affect the future use of the surrounding area for residential purposes.
8. Agriculture.
9. Office and/or retail sales of merchandise or services, subject to the following limitations and provisions:
  - a. No more than a total of five percent (5%) of the area designated for residential use on the Davie Future Land Use Plan map within a flexibility zone may be used for offices and/or retail sales of merchandise or services.
  - b. No added contiguous area used for offices and/or retail sales of merchandise or services may exceed ten (10) acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
  - c. Use of "commercial flexibility" is subject to a compatibility review by Broward County as provided by paragraph "g" under "Residential Density", below.
  - d. Regardless of the constraints of a. and b. and c. above, space within residential buildings in areas designated for density of at least 25 units per acre may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purposes.
  - e. Regardless of the constraints of a. and b. and c. above, space within residential buildings in areas designated for density of at least 16 units per acre may be used for offices, as long as no more than 50% of the floor area is used for offices.
10. Recreational vehicle park sites in the Residential (10), (16) and (22) density ranges. The maximum number of recreational vehicle park sites permitted is:
  - a. Equal the maximum number of dwelling units designated for that parcel on the Davie Future Land Use Plan map if the permanent location of recreational vehicles on the site is permitted; or
  - b. Double the maximum number of dwelling units designated for that parcel on the Davie Future Land Use Plan map if the permanent location of recreational vehicles on the site is prohibited.
11. Special Residential Facilities Homes; subject to the provisions of ~~meeting one of the Category definitions as contained in the~~ Special Residential Facilities Homes Permitted Uses subsection of the Plan Implementation Requirements



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section of the Davie Future Land Use Plan; ~~meeting density provisions by Category type stated below;~~ and the limitations as expressed by the Davie Future Land Use Plan map; and, if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document" of the Broward County Planning Council.

### ~~Density Provisions:~~

- ~~a. Special Residential Facility Category (1): development shall count as one (1) dwelling unit each.~~
- ~~b. Special Residential Facility Category (2) (Community Residential Home): each facility development shall count as two (2) dwelling units, and shall not be permitted within areas zoned for single-family residential development each. For purposes of calculating the number of residents permitted in each facility, each sleeping room shall be considered to accommodate two (2) residents. Regardless of the number of contiguous lots or parcels under common ownership, each facility containing seven (7) to fourteen (14), inclusive, residents shall be contained within one (1) structure, separated from a similar facility by the distance separation set forth in s. 419.001, Florida Statutes.~~
- ~~c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.~~

### Residential Density

- a. Density Standards. Residential areas are shown on the Davie Future Land Use Plan map according to six ranges of density:
  - Residential (1) permits up to one (1) dwelling unit per gross acre.
  - Residential (3) permits up to three (3) dwelling units per gross acre.
  - Residential (5) permits up to five (5) dwelling units per gross acre.
  - Residential (10) permits up to ten (10) dwelling units per gross acre.
  - Residential (16) permits up to sixteen (16) dwelling units per gross acre.
  - Residential (22) permits up to twenty-two (22) dwelling units per gross acre.
  - Special Classification permits the maximum density per gross acre as depicted on the Future Land Use Plan Map for the particular parcel.

Other land use categories and land uses are subject to density standards as follows:

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- ~~Residential development within the Agriculture land use category is subject to the density standards and provisions contained within the Agriculture land use category of the Permitted Uses subsection.~~
- Special Residential ~~Facilities~~ Homes are subject to the density standards contained within the Special Residential Facilities Homes applicable land use categories in the Permitted Uses subsection.
- Recreational vehicle sites are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection.
- Hotels, motels and similar lodging are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection.

- b. Density Calculation. All references to density within the Davie Future Land Use Plan means gross density. Gross density means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for streets, lakes, waterways, and other proposed land uses permitted in residential areas by the Davie Future Land Use Plan.

Calculations of acreage covered by different land use categories on the Davie Future Land Use Plan map will necessarily be approximate, due to the scale of the map. Where edges of land use categories are close to property lines, streets, transmission lines or other existing boundaries, edges should be construed to follow those boundaries. A lake or canal should be construed as having been assigned the same land use category as that assigned to adjacent unsubmerged land. The New River and the rivers and canals of the primary drainage system as identified within this plan shall not, however, be construed as having credit towards residential density.

- c. Arrangement of Dwelling Units. The arrangement or distribution of dwelling units on a particular parcel of land is subject to the Town's Zoning and other Land Development Regulations.
- d. Dashed-Line Areas. Selected parcels are identified on the Davie Future Land Use Plan map by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears within the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line area. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred.
- e. Flexibility Units. "Flexibility units" mean the difference between the number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series) and the number of dwelling units permitted within the flexibility zone by the Davie Future Land Use Plan map, as certified.

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Since the certified Davie Future Land Use Plan map may be more restrictive than the Future Broward County Land Use Plan Map (Series), available flexibility units may be utilized by the Town to rearrange residential densities. This rearrangement of densities is accomplished within "flexibility zones", as depicted in this plan. The boundaries of and rules governing the rearrangement of densities therein are pursuant to the Broward County Planning Council's "Administrative Rules Document". However, the total number of dwelling units within any flexibility zone as shown on the Davie Future Land Use Plan map shall not exceed the total number of dwelling units within the corresponding flexibility zone as shown on the Future Broward County Land Use Plan Map (Series). Assignment of flexibility units is subject to the requirements of paragraph "g", below.

- f. Reserve Units. "Reserve units" mean additional permitted dwelling units equal up to two percent (2%) of the total number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series). Allocation of reserve units will be administered within "flexibility zones" and not require amendment of the Davie Future Land Use Plan. The boundaries of and rules governing the rearrangement of densities therein are pursuant to the Broward County Planning Council's "Administrative Rules Document". The number of reserve units assigned to a parcel designated for residential use on the Davie Future Land Use Plan map may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the Davie Future Land Use Plan map. However, the Davie Future Land Use Plan map, zoning, and other applicable Land Development Regulations shall not permit any density higher than fifty (50) dwelling units per gross acre. Assignment of residential reserve units is subject to the requirements of paragraph "g", below.
- g. Utilization of the Broward County Land Use Plan "Flexibility Rules" shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered. Allocations of "flexibility" for "affordable housing" or "Special Residential ~~Facilities~~ Homes", or within "urban infill, urban redevelopment and downtown revitalization areas", shall be exempt from this policy.

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### SPECIAL RESIDENTIAL FACILITIES HOMES

~~Special Residential Facilities such as group homes, foster care facilities, and life care facilities are not specifically designated on the Davie Future Land Use Plan map as a separate category but may be permitted, subject to conditions, in areas designated the following: Residential, Commercial Office Park, Agricultural, and Community Facilities. See the specific land use category for applicable conditions. It is preferable that such residential facilities be included within residential neighborhoods. The Town may allow a maximum of one hundred (100) "bonus" sleeping rooms, consistent with Broward County Ordinance No. 85-92, that are permanently dedicated to Special Residential use without allocating density.~~

~~Special Residential Facility, Category (1): a housing facility which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation or education. The facility is usually referred to as a group home, and may accommodate the elderly, dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or others. There may be more than one kitchen within the housing facility; there may be more than one Category (1) facility on a parcel.~~

~~Special Residential Facility, Category (2): a housing facility which is licensed by the State of Florida, nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. There may be more than one kitchen within the housing facility; there may be more than one Category (2) facility on a parcel. Each development shall count as two (2) dwelling units each.~~

~~Special Residential Facility, Category (3):~~

- ~~a. Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others; or,~~
- ~~b. Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or,~~
- ~~c. Governmentally subsidized housing facilities entirely devoted to the care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others; or,~~
- ~~d. Any not for profit housing facility for unrelated elderly individuals; or,~~
- ~~e. Any housing facility which provides a life care environment, including, but not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.~~

Special Residential Homes are dwelling units which provide living environments for unrelated persons protected and recognized under Florida law and/or the Federal Fair Housing Act as having disabilities or special circumstances, and who may require supervision and care by supportive staff to meet their physical, emotional and/or social needs. Special Residential Homes do not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential drug or alcohol treatment facilities, or emergency shelters.

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Special Residential Homes are not specifically designated on the Davie Future Land Use Plan map as a separate category but shall be permitted in areas designated Residential and Community Facilities subject to provisions contained herein and within the Town's land development regulations, and may be permitted in the Commercial land use plan designation. With respect to density, the Town may allow a maximum of one hundred (100) "bonus" sleeping rooms, consistent with Broward County Ordinance No. 85-92, that are permanently dedicated to Special Residential use without allocating density.

- a. Special Residential Homes providing living environments for unrelated residents which operate as the functional equivalent of a family are encouraged to locate in residential neighborhoods. At a minimum, the Town shall permit Special Residential Homes in residential neighborhoods consistent with Ch. 419 F.S. as it may be amended from time to time.
- b. Special Residential Homes providing care or services on an institutional scale are encouraged to locate outside of single-family residential neighborhoods and low-density (5 du/ac or less) multiple-family neighborhoods and to have access to main roadways (major collectors, arterials). Such homes shall be provided for in community facility districts, and may also be permitted in commercial and/or appropriate multiple-family, zoning districts. For density purposes, each two (2) sleeping rooms shall count as one (1) dwelling unit. Each sleeping room may have no more than 2 beds.

**COMMERCIAL LAND USE CATEGORY**

The Commercial land use category provides for business, office, retail, service and other related commercial uses which are necessary to accommodate Davie's population.

The permitted uses of the Commercial category include the following:

1. Retail uses and personal services.
2. Office and business uses.
3. Wholesale, storage, light fabricating and warehouse uses.
4. Hotels, motels, and similar lodging.
5. Recreation and open space, cemeteries, and commercial recreation uses.
6. Community facilities and utilities, provided such uses do not preclude or adversely affect the future use of the surrounding area for commercial purposes.
7. a. ~~Special Residential Facilities Homes Facility Category (2) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan — Implementation Requirements section of the Davie Future Land Use Plan; which are not appropriate in residential neighborhoods due to institutional scale and which do not provide living environments for unrelated residents who operate as the functional equivalent of a family, and subject to the allocation of two (2) one (1) reserve or flexibility units per two (2) sleeping rooms in accordance with the Special Residential Facility Home provisions and policies for the application of these units as contained in the "Administrative Rules Document" of the Broward County Planning Council.~~  
  
b. ~~Special Residential Facility Category (3) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan — Implementation Requirements section of the Davie Future Land Use Plan; subject to the allocation of reserve units or flexibility units in accordance with the Special Residential Facility provisions and policies for the application of these units as contained in the "Administrative Rules Document" of the Broward County Planning Council; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.~~
8. Non-residential agricultural uses.
9. Residential uses are permitted in the same structure as a commercial use provided that flexibility or reserve units are applied to the parcel; and:
  - a. The residential floor area does not exceed 50% of the total floor area of the

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building; or

- b. The first floor is totally confined to commercial uses.
  - c. For parcels 5 acres in size or less, free standing multi-family residential uses are permitted; within areas designated as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas, free standing multi-family residential uses are permitted on parcels 10 acres in size or less; and/or
  - d. For mixed commercial/residential developments greater than 5 acres in size (or 10 acres within areas designated as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas) free standing multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas) or 40% of the total gross acreage of the commercially designated parcel, whichever is greater, and the entire mixed commercial/residential development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development;
  - e. Residential units within the same structure as commercial uses for the owner, manager or caretaker of the commercial uses may be located in areas designated commercial without the application of flexibility units or reserve units.
10. Recreational vehicle park sites at a maximum density of ten (10) sites per gross acre if permanent location of recreational vehicles on the site is permitted by the Town's Land Development Regulations, or twenty (20) sites per gross acre if such permanent location is prohibited by the Town's Land Development Regulations; subject to allocation by the Town of available flexibility or reserve units.
11. Transportation and communications facilities.

Types of Shopping Center Developments. Shopping centers are usually categorized according to land size, service area and total leasable area, and are referred herein as Neighborhood, Community and Regional shopping centers.

Neighborhood Shopping Centers typically range from 30,000 to 100,000 square feet of gross leasable area for the sale of convenience goods (food, drugs, and sundries) and personal services which meet the daily needs of an immediate neighborhood. Neighborhood shopping centers range in area from approximately 3 to 10 acres and generally require a minimum market support population ranging from 2,500 to 40,000 people.

Community Shopping Centers typically range from approximately 100,000 to 300,000 square feet of gross leasable area and is generally built around one or more junior department store(s), variety store(s) or "big-box" specialty store(s) and supermarket as the major tenants. Community shopping centers typically range in area from approximately 10 to 30 acres and serve trade areas ranging from an estimated 40,000 to 150,000 people.

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Regional Shopping Centers typically range from approximately 300,000 to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such center is usually built around a full-line department store(s) as the major drawing power. Regional shopping centers are approximately 30 acres in size or larger, and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 16 miles or more modified by such factors as competitive facilities and travel time over access highways.

\* \* \* \* \*



**RURAL RANCHES LAND USE CATEGORY**

Areas are designated Rural Ranches on the Future Broward County Land Use Plan Map (series) to protect the semi-rural character and life-style of existing low density rural ranch areas. Rural ranch areas are characterized by residential estates, horse ranches and agricultural uses. The maximum permitted density within this category is one unit per two and one half gross acres or one unit per two net acres. Limited community facility and utility uses are permitted for the purposes of serving the rural ranch communities. Application of flexibility/reserve units and commercial flexibility is not permitted within areas designated Rural Ranches. Due to the replacement of the Agricultural designation with the Rural Ranches designation, the permitted uses and policies associated with the Rural Ranches designation shall apply to parcels designated Agricultural on the Town of Davie Future Land Use Plan Map until such parcels are redesignated.

Uses Permitted in areas designated Rural Ranches are as follows:

1. A maximum of one unit per two and one half gross acres or one unit per two net acres with no clustering permitted.
2. Home occupations and other uses accessory to a dwelling unit.
3. Open Space and Recreation uses designed to serve the residential area.
4. Community facilities designed to serve the residential area limited to schools, day care centers, Special Residential Homes churches, clinics governmental administration, police and fire protection facilities, libraries and civic centers not to exceed five acres in size.
5. Public utilities limited to water and wastewater treatment plants, pumping stations, telecommunications facilities electrical substations and electric lines and drainage facilities and structures.
6. Agricultural uses including cultivation of crops, groves, thoroughbred and pleasure horse ranches, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches and similar activities.
7. Cemeteries.

\* \* \* \* \*

**COMMUNITY FACILITIES LAND USE CATEGORY**

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The Community Facilities category provides for a variety of educational, religious, governmental, civic and cultural, and medical uses necessary to adequately serve the community and subregion.

Additionally, Community Facilities uses may be permitted in areas designated for the following categories: Residential, Commercial, Office Park, Agricultural, Industrial, Regional Activity Center, and Employment Center.

The permitted uses of the Community Facilities category include the following:

1. Community facilities uses such as schools, churches, hospitals, governmental administration, police and fire stations, libraries, civic centers, prisons and courts, nursing homes, cemeteries, and parks and recreation facilities.
2. a. ~~Special Residential Facility Homes Category (2) development as defined in the "Definitions" subsection of the Plan Implementation Requirements section of the Davie Future Land Use Plan; which are not appropriate in residential neighborhoods due to institutional scale, subject to the allocation of two (2) one (1) reserve or flexibility units per two (2) sleeping rooms in accordance with the Special Residential Facilities Homes provisions and policies for application of these units as contained in the "Administrative Rules Document" of the Broward County Planning Council.~~  
  
b. ~~Special Residential Facility Category (3) development as defined in the "Definitions" subsection of the Plan Implementation Requirements section of the Davie Future Land Use Plan; subject to the allocation of reserve or flexibility units in accordance with the Special Residential Facilities provisions and policies for application of these units as contained in the "Administrative Rules Document" of the Broward County Planning Council; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.~~

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## **Future Land Use Plan:**

### **Glossary**

- **Accessory Use:** a use naturally and customarily incidental, subservient or subordinate to the principal use.
- **Accommodations:** any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, or other private or commercial structure which is situated on real property and designed for occupancy or use by one or more individuals.
- **Administrative Commission:** the Governor and the Cabinet of the State of Florida.
- **Administrative Rules Document:** a publication containing rules, guidelines, procedures, and methodologies reviewed, revised, adopted and amended by the Broward County Planning Council and the Broward County Board of County Commissioners for the purpose of providing assistance and guidance to local governmental entities and providing direction to Council staff in implementing the Broward County Land Use Plan.
- **Affected Persons:** the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; and adjoining local governments that can demonstrate that adoption of the plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written objections during the local government review and adoption proceedings.
- **Agricultural Uses:** activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas. Agricultural uses are further defined in the Agricultural land use category, as described in the Permitted Uses portion of the Plan Implementation Section.
- **Airport Facility:** any area of land or water improved, maintained or operated for the landing and takeoff of aircraft, including privately owned paved runways of 4,000 or more feet in length, and any appurtenant area which is used for airport buildings, or other airport facilities or rights-of-way.
- **Amendment:** any change to an adopted comprehensive plan with the exception of corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Section 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other

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elements, as provided in Section 163.3187(2), Florida Statutes.

- **Arterial Road:** a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.
- **Bicycle And Pedestrian Ways:** any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.
- **Broward County Land Use Plan:** the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and the Local Government Comprehensive Planning and Land Development Regulation Act.
- **Broward County Trafficways Plan:** the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the Broward County Charter, which depicts a network of trafficways for Broward County (also known as the Broward County Planning Council Trafficways Plan).
- **Building:** any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
- **Building Permit:**
  - (1) Any permit for the erection or construction of a new building required by Section 301.1 of the South Florida Building Code, 1984, Broward Edition, as amended.
  - (2) Any permit for an addition to an existing building which would:
    - (a) create one or more additional dwelling units, or
    - (b) involve a change in the occupancy of a building as described in Section 104.7 of the South Florida Building Code, 1984, Broward Edition, as amended.
  - (3) Any permit which would be required for the nonresidential operations included in Section 301.1(a) of the South Florida Building Code, 1984, Broward Edition, as amended.
- **Capital Budget:** the portion of the local government's budget reflecting capital improvements scheduled for a fiscal year.
- **Capital Improvement:** physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of this rule, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.
- **Certified Land Use Plan:** a local land use plan which has been certified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan and which has been adopted by a unit of local government in conformance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

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- **Collector Road:** a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.
- **Commercial Uses:** activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services. Commercial Uses are further defined in the Commercial land use category, as described in the Permitted Uses portion of the Plan Implementation Section.
- **Comprehensive Plan:** a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes.
- **Concurrency:** public facilities and services needed to support development shall be available at the same time or coincidental with the impacts of such development.
- **Concurrency Management System:** the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development concurrent with the impacts of such development.
- **Cone of Influence (Zone of Influence):** an area around one or more major waterwells, the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth.
- **Conservation Uses:** activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats. Conservation Uses are further defined in the Conservation land use category, as described in the Permitted Uses portion of the Plan Implementation Section.
- **Consistency:** For purposes of this definition, a local comprehensive plan is said to be consistent with the state comprehensive plan and the regional policy plan if it is "compatible with" or "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan.
- **Contiguous:** in close proximity, touching or adjacent.
- **County Commission:** the Board of County Commissioners of Broward County.
- **Developer:** any person, including a governmental agency, undertaking any development.
- **Development:**

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- (1) The carrying out of any building activity or mining operation, the making of any material change in the use of appearance of any structure or land, or the dividing of land into two or more parcels.
- (2) The following activities or uses shall be taken for the purposes of this chapter to involve "development", as defined in this section:
  - (a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
  - (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
  - (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including any "coastal construction" as defined in Section 161.021, Florida Statutes.
  - (d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
  - (e) Demolition of a structure.
  - (f) Clearing of land as an adjunct of construction.
  - (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined herein:
  - (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
  - (b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracts, or the like.
  - (c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
  - (d) The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
  - (e) The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
  - (f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
  - (g) A change in the ownership or form of ownership of any parcel or structure.
  - (h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.
- (4) "Development," as designated in an ordinance, rule, or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

- **Development Order:** any order granting, denying, or granting with conditions an application for a development permit.

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- **Development Permit:** any building permit, zoning permit, plat approval or rezoning, certification, variance, or other action having the effect of permitting development.
- **Drainage Facilities:** a system of man-made structures designed to collect, convey, hold divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.
- **Dwelling Unit:** a house, apartment, or condominium unit, trailer, group of rooms, or a single room intended for occupancy as separate living quarter with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the occupants, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business Regulation, Division of Hotels and Restaurants, as “apartments”, “rental condominiums” and “Retirement Housing”.
- **Education Uses:** activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.
- **Environmentally Sensitive Land:** those areas containing Natural Resources, as depicted in the Future Land Use Plan Map Series.
- **Existing Urban Service Area:** means built-up areas where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.
- **Flexibility units:** mean the difference between the number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series) and the number of dwelling units permitted within the flexibility zone by the Davie Future Land Use Plan map, as certified.
- **Flexibility Zone:** a geographic area, as delineated on the flexibility zone boundary maps in the Administrative Rules Document of the Broward County Planning Council, within which residential densities and land uses may be redistributed through the plan certification process.
- **Flood Plains:** areas inundated during an identified flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- ~~**Foster Care Facility:** a facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.~~
- **Future Broward County Land Use Plan Map (Series):** the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, Historic District and Historically Significant Properties Map, Natural Resources

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Map Series-Eastern Broward County, and Natural Resources Map Series-Western Broward County.

- **Goal:** the long-term end toward which programs and activities are ultimately directed.
- **Governing Body:** the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies. The governing body for the Town of Davie is the Town Council of the Town of Davie.
- **Governmental Agency:**
  - (a) The United States or any department, commission, agency, or other instrumentality thereof;
  - (b) The State of Florida or any department, commission, agency, or other instrumentality thereof;
  - (c) Any local government, or any department, commission, agency, or other instrumentality thereof;
  - (d) Any school board or other special district, authority, or other governmental entity.
- **Gross density:** means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area.
- **Gross acreage** means the total number of acres in an area, including acreage used or proposed for streets, lakes, waterways, and other proposed land uses permitted in residential areas by the Davie Future Land Use Plan.
- ~~**Group Home:** a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.~~
- **Hazardous waste:** solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.
- **Historic Resources:** all areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.
- **Improvements:** may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary



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sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments, permanent control points, or any other improvement required by a governing body.

- **Industrial Uses:** the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.
- **Infrastructure:** those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.
- **Land:** the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.
- **Land Development Code:** the various types of regulations for the development of land within the jurisdiction of a unit of local government when combined into a single document.
- **Land Development Regulations:** ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.
- **Land Development Regulation Commission:** a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.
- **Land Use:** the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.
- **Level of Service:** an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.
- **Limited Access Facility:** a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.
- **Local Area of Particular Concern:** an area designated on the Natural Resource Map Series of the Broward County Land Use Plan which has been declared to be environmentally sensitive. Those areas are subject to environmental impact report provisions of the Broward County Land Development Code. The criteria

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for Local Areas of Particular Concern are contained in the Plan Implementation Requirements section of the Broward County Land Use Plan.

- **Local Comprehensive Plan:** any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.
- **Local Road:** a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.
- **Low and Moderate Income Families:** “lower income families” as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term “families” includes “households”.
- **Mobile Home:** a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards.
- **Natural Reservations:** areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters.
- **Nonpoint Source Pollution:** any source of water pollution that is not a point source.
- **Objective:** a specific, measurable, intermediate end that is achievable and marks progress toward a goal.
- **Open Spaces:** undeveloped lands suitable for passive recreation or conservation uses.
- **Point Source Pollution:** any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- **Policy:** the way in which programs and activities are conducted to achieve an identified goal.

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- **Pollution:** the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.
- **Potable Water Facilities:** a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.
- **Private Recreational Sites:** sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.
- **Public Recreational Sites:** sites owned or leased on a long-term basis by a federal, state regional or local government agency for purposes of recreational use.
- **Public Access:** the ability of the public to physically reach, enter, or use recreation sites including beaches and shores.
- **Public Buildings and Grounds:** structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.
- **Public Facilities:** transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, education systems or facilities, parks and recreation systems or facilities and public health systems or facilities.
- **Recreation:** the pursuit of leisure time activities occurring in an indoor or outdoor setting.
- **Recreation Facility:** a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.
- **Recreation Uses:** activities within areas where recreation occurs.
- **Resident Population:** inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.
- **Right-Of-Way:** land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.
- **Roadway Functional Classification:** the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.
- **Sanitary Sewer Facilities:** structures or systems designed for the collection,

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transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

- **Seasonal Population:** part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.
- **Services:** the programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state or federal law.
- **Solid Waste:** sludge from a waste treatment works, water supply treatment plant or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- **Solid Waste Facilities:** structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.
- **Support Documents:** any surveys, studies, inventory maps, data, inventories, listings or analyses used as bases for or in developing the comprehensive plan.
- **Urban Redevelopment:** means the demolition and reconstruction or substantial renovation of existing buildings or infrastructure within existing urban service areas.
- **Water-Dependent Uses:** activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.
- **Water-Related Uses:** activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.
- **Water Wells:** wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption.

**EXHIBIT "B" (1 of 1)**  
**AMENDMENT TO THE HOUSING ELEMENT**

**OBJECTIVE 4:** Permit housing for very low, low and moderate income families, mobile homes, and specialized housing opportunities in a wide range of residential categories of the Future Land Use Plan.

- o **Policy 4-1:** The Town shall annually review Review and evaluate the Future Land Use Plan and amendments thereto to insure that sufficient sites at sufficient densities to accommodate the Town's need for housing for very low, low and moderate income families, as identified in the Housing Element, and mobile homes are adequately provided for in the residential land use categories.

If the adopted Future Land Use Plan is not found to provide adequate opportunities for affordable housing, the Town shall support land use plan amendments which provide additional opportunities for housing affordable to very low, low, and moderate income households. This policy shall not be construed to require the Town to support land use plan amendments which are inconsistent with other plan policies.

- o **Policy 4-2:** Permit ~~alternative~~ residential ~~facilities~~ homes which provide living environments for unrelated persons with a disability as determined by the Federal Fair Housing Act or who are otherwise entitled to such housing under Chapter 419 Florida Statutes, who operate as the functional equivalent of a family such as group homes, foster care homes, and congregate living facilities, in residential districts. At a minimum, the Town shall provide for such housing subject to the principles and criteria contained within Chapter 419 Florida Statutes and de-emphasize their placement in non-residential categories.
- o **Policy 4-3:** The Town will continue to implement the Affordable Housing Incentive Strategy adopted April 1, 1998 (revised May 20, 1998), which is designed to facilitate the development of affordable housing initiatives by providing incentives to developers and owners such as: fee waivers, modification of

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